

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**MAILED**

**MAY 20 1991**

**PAT.&T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Ex parte ROBERT A. FABBIO,  
ANNE G. LEONARD,  
and CONRAD W. SCHNEIKER

Appeal No. 94-1648  
Application 07/352,530<sup>1</sup>

ORDER REMANDING TO THE EXAMINER

Before BARRETT, FLEMING, and LEE, Administrative Patent Judges.

BARRETT, Administrative Patent Judge.

On consideration of the record, we note that this appeal includes a rejection under 35 U.S.C. § 101 involving the statutory nature of a computer-related claim recited in means-plus-function language under 35 U.S.C. § 112, sixth paragraph. The evaluation of claim 27 could possibly be affected by the Examination Guidelines for Claims Reciting a Means or Step Plus Function Limitation In Accordance With

<sup>1</sup> Application for patent filed May 15, 1989, entitled "Object Database-Driven Interactive Shell for a Data Processing System."

Appeal No. 94-1648  
Application 07/352,530

35 U.S.C. § 112, 6th Paragraph, 1162 Off. Gaz. Pat. & Trademark Office 59 (May 17, 1994) and the Examination Guidelines for Computer-Related Inventions, 1184 Off. Gaz. Pat. & Trademark Office 87 (March 26, 1996). Rather than treat the application of the two sets of Guidelines in the first instance, we remand the application for reconsideration of the rejection of claim 27 in view of both sets of Guidelines. A statement by the examiner followed by a reply by appellants shall suffice.

REMANDED

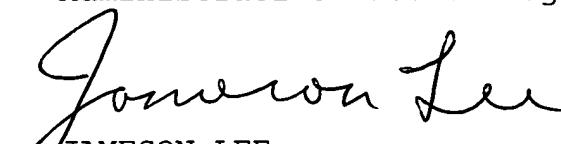


LEE E. BARRETT  
Administrative Patent Judge

)  
)  
)  
)  
)  
)

MICHAEL R. FLEMING  
Administrative Patent Judge

)  
)  
)  
)  
)  
BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

  
JAMESON LEE  
Administrative Patent Judge

)  
)  
)  
)

Appeal No. 94-1648  
Application 07/352,530

Wayne P. Bailey  
IBM CORPORATION  
Intellectual Property Law Dept.  
932/815, Zip 4054  
11400 Burnet Road  
Austin, TX 78758